

ASSAULT AND RELATED OFFENSES – CONNECTICUT CRIMES CHART

Prepared by the JLCs/AAs of the Hartford Immigration Court

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--|--|-------|
| Conn. Gen. Stat. Ann. § 53a-59. Assault in the first degree: Class B felony: Nonsuspendable Sentences | | | |
| | <p>(a) A person is guilty of assault in the first degree when:</p> <ul style="list-style-type: none"> (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or (3) under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person; or (4) with intent to cause serious physical injury to another person and while aided by two or more other persons actually present, he causes such injury to such person or to a third person; or (5) with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of the discharge of a firearm. <p>(b) Assault in the first degree is a class B felony provided</p> <ul style="list-style-type: none"> (1) any person found guilty under subdivision (1) of subsection (a) shall be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and (2) any person found guilty under subsection (a) shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court if the victim of the offense is a person under ten years of age or if the victim of the offense is a witness, as defined in section 53a-146, and the actor knew the victim was a witness. | <p>Class B Felony—a term not less than one year nor more than 20 years and/or fine not to exceed \$15,000. See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</p> <p>(b) (5)</p> <p>YES, see <i>Matter of Wu</i>, 27 I&N Dec. 8 (BIA 2017) (assault with a deadly weapon or force that is likely to produce great bodily injury is categorically a CIMT); <i>Nguyen v. Reno</i>, 211 F.3d 692 (1st Cir. 2000) (conviction under Conn. Gen. Stat. Ann. § 53a-60(a)(1), which involves a lesser mens rea than § 53a-59, is a CIMT)</p> <p>(b) (5)</p> | |

Note: This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

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| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|--|---|---------|
| Conn. Gen. Stat. Ann. § 53a-59a. Assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability in the first degree: Class B Felony: Five years not suspendable | | | |
| | <p>(a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree, when such person commits assault in the first degree under section 53a-59(a)(2), 53a-59(a)(3) or 53a-59(a)(5) and</p> <ul style="list-style-type: none"> (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. <p>...</p> | <p>YES. See above analysis for Conn. Gen. Stat. Ann. § 53a-59.</p> | (b) (5) |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|---|---|---------|
| Conn. Gen. Stat. Ann. § 53a-59b. Assault of an employee of the Department of Correction in the first degree: Class B Felony | | | |
| | <p>(a) A person is guilty of assault of an employee of the Department of Correction in the first degree when he is in the custody of the Commissioner of Correction or confined in any institution or facility of the Department of Correction and commits assault in the first degree under section 53a-59 and the victim of such assault is an employee of the Department of Correction acting in the performance of his duties.</p> <p>...</p> | <p>YES. See above analysis for Conn. Gen. Stat. Ann. § 53a-59.</p> | (b) (5) |

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|---|--------------------|---|---------|
| Conn. Gen. Stat. Ann. § 53a-59c. Assault of a pregnant woman resulting in termination of pregnancy: Class A Felony | | | |
| <p>(a) A person is guilty of assault of a pregnant woman resulting in termination of pregnancy when such person commits assault in the first degree as provided under subdivision (1) of subsection (a) of section 53a-59 and</p> <ul style="list-style-type: none"> (1) the victim of such assault is pregnant, and (2) such assault results in the termination of pregnancy that does not result in a live birth. | (b) (5) | YES. See above analysis for Conn. Gen. Stat. Ann. § 53a-59. | (b) (5) |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|--|---------|
| Conn. Gen. Stat. Ann. § 53a-60. Assault in the second degree: Class D or C felony | | | |
| <p>(a) A person is guilty of assault in the second degree when:</p> <ul style="list-style-type: none"> (1) With intent to cause serious physical injury to another person, the actor causes such injury to such person or to a third person; or (2) with intent to cause physical injury to another person, the actor causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument other than by means of the discharge of a firearm; or (3) the actor recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument; or (4) for a purpose other than lawful medical or therapeutic treatment, the actor intentionally causes stupor, unconsciousness or other physical impairment or injury to another person by administering to such person, without his consent, a drug, substance or preparation capable of producing the same; or (5) the actor is a parolee from a correctional institution and with intent to cause physical injury to an employee or member of the Board of Pardons and Paroles, the actor causes physical injury to such employee or member; or (6) with intent to cause serious physical injury to another person by rendering such other person unconscious, and without provocation by such other person, the actor causes such injury to such other person by striking such other person on the head; or (7) with intent to cause physical injury to another person, the actor causes such injury to such person by striking or kicking such person in the head while such person is in a lying position. <p>(b) Assault in the second degree is a class D felony or, if the offense resulted in serious physical injury, a class C felony.</p> | (b) (5) | YES. See <i>Nguyen v. Reno</i> , 211 F.3d 692 (1st 2000) (holding Conn. Gen. Stat. Ann. § 53a-60(a)(1) is a CIMT). | (b) (5) |
| <p>Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. <i>See</i> Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</p> <p>Class C felony—a term not less than one year nor more than ten years and/or a fine not to exceed \$10,000. <i>See</i></p> | (b) (5) | | |

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| Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41. | (b) (5) [REDACTED] | [REDACTED] | [REDACTED] |
|--|--------------------|------------|------------|

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|--------------------|----------------------------------|------------|
| Conn. Gen. Stat. Ann. § 53a-60a. Assault in the second degree with a firearm: class D felony: one year not suspendable | | | |
| (a) A person is guilty of assault in the second degree with a firearm when he commits assault in the second degree as provided in section 53a-60, and in the commission of such offense he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a pistol, revolver, machine gun, shotgun, rifle or other firearm. No person shall be found guilty of assault in the second degree and assault in the second degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information. | (b) (5) [REDACTED] | [REDACTED] | [REDACTED] |
| Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41. | (b) (5) [REDACTED] | [REDACTED] | [REDACTED] |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--|----------------------------------|------------|
| Conn. Gen. Stat. Ann. § 53a-60b. Assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability in the second degree: Class D Felony: two years not suspendable | | | |
| (a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree when such person commits assault in the second degree under section 53a-60 or larceny in the second degree under section 53a-123(a)(3) and (1) the victim of such assault or larceny has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault or larceny is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. | (b) (5) [REDACTED] | [REDACTED] | [REDACTED] |
| (b) No person shall be found guilty of assault in the second degree or larceny in the second degree under section 53a-123(a)(3) and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree upon the same incident of assault or larceny, as the case may be, but such person may be charged and prosecuted for all such offenses upon the same information. | (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. | [REDACTED] | [REDACTED] |
| ... | | | |

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| Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. <i>See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</i> | (b) (5)  | YES. <i>See Nguyen v. Reno</i> , 211 F.3d 692 (1st 2000) (holding Conn. Gen. Stat. Ann. § 53a-60(a)(1) is a CIMT). | (b) (5)  |
|---|---|---|---|

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|---|---|---|
| Conn. Gen. Stat. Ann. § 53a-60c. Assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability in the second degree with a firearm: class D felony: three years not suspendable <ul style="list-style-type: none"> (a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm when such person commits assault in the second degree with a firearm under section 53a-60a and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the second degree or assault in the second degree with a firearm and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm upon the same incident of assault but such person may be charged and prosecuted for all of such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. ... | | | |
| Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. <i>See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</i> | (b) (5)  | YES. <i>See Nguyen v. Reno</i> , 211 F.3d 692 (1st 2000) (holding Conn. Gen. Stat. Ann. § 53a-60(a)(1) is a CIMT). | (b) (5)  |

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|--|--------------------|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-60d. Assault in the second degree with a motor vehicle: Class D felony | | | |
| (a) A person is guilty of assault in the second degree with a motor vehicle when, while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, he causes serious physical injury to another person as a consequence of the effect of such liquor or drug. (b) Assault in the second degree with a motor vehicle is a class D felony and the court shall suspend the motor vehicle operator's license or nonresident operating privilege of any person found guilty under this section for one year. The court shall also order such person not to operate any motor vehicle that is not equipped with an approved ignition interlock device, as defined in section 14-227j, for a period of two years after such person's operator's license or nonresident operating privilege is restored by the Commissioner of Motor Vehicles. | (b) . | (b) (5) | |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-61. Assault in the third degree: Class A misdemeanor | | | |
| (a) A person is guilty of assault in the third degree when: (1) With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or (2) he recklessly causes serious physical injury to another person; or (3) with criminal negligence, he causes physical injury to another person by means of a deadly weapon, a dangerous instrument or an electronic defense weapon. (b) Assault in the third degree is a class A misdemeanor and any person found guilty under subdivision (3) of subsection (a) of this section shall be sentenced to a term of imprisonment of one year which may not be suspended or reduced. | (b) (5) | | |

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|---|---|---|---|
| Conn. Gen. Stat. Ann. § 53a-61a. Assault of an elderly, blind, disabled, or pregnant person or a person with intellectual disability in the third degree: Class A misdemeanor: One year not suspendable | | | |
| (a) A person is guilty of assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree when such person commits assault in the third degree under section 53a-61 and (1) the victim of such assault has attained at least sixty years of age, is blind or physically disabled, as defined in section 1-1f, or is pregnant, or (2) the victim of such assault is a person with intellectual disability, as defined in section 1-1g, and the actor is not a person with intellectual disability. (b) No person shall be found guilty of assault in the third degree and assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree upon the same incident of assault but such person may be charged and prosecuted for both such offenses upon the same information. (c) In any prosecution for an offense under this section based on the victim being pregnant it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was pregnant. In any prosecution for an offense under this section based on the victim being a person with intellectual disability, it shall be an affirmative defense that the actor, at the time such actor engaged in the conduct constituting the offense, did not know the victim was a person with intellectual disability. (d) Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree is a class A misdemeanor and any person found guilty under this section shall be sentenced to a term of imprisonment of one year which shall not be suspended or reduced. | | | |
| Class A misdemeanor—fine not to exceed \$2,000 or imprisonment not to exceed one year. <i>See Conn. Gen. Stat. Ann. § 53a-42.</i> | <i>See above analysis for Conn. Gen. Stat. Ann. § 53a-61.</i> | <i>See above analysis for Conn. Gen. Stat. Ann. § 53a-61.</i> | <i>See above analysis for Conn. Gen. Stat. Ann. § 53a-61.</i> |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|--------------------|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-61aa. Threatening in the first degree: Class D or class C felony | | | |
| (a) A person is guilty of threatening in the first degree when such person (1) (A) threatens to commit any crime involving the use of a hazardous substance with the intent to terrorize another person, to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such terror, evacuation or inconvenience; (2) (A) threatens to commit any crime of violence with the intent to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or (B) threatens to commit such crime in reckless disregard of the risk of causing such evacuation or inconvenience; (3) commits threatening in the second degree as provided in section 53a-62, and in the commission of such offense such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, shotgun, rifle, machine gun or other firearm; or (4) violates subdivision (1) or (2) of this subsection with the intent to cause an evacuation of a building or the grounds of a | | | |

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(A) house of religious worship,
(B) religiously-affiliated community center,
(C) public or nonpublic preschool, school or institution of higher education, or
(D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities. No person shall be found guilty of threatening in the first degree under subdivision (3) of this subsection and threatening in the second degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.

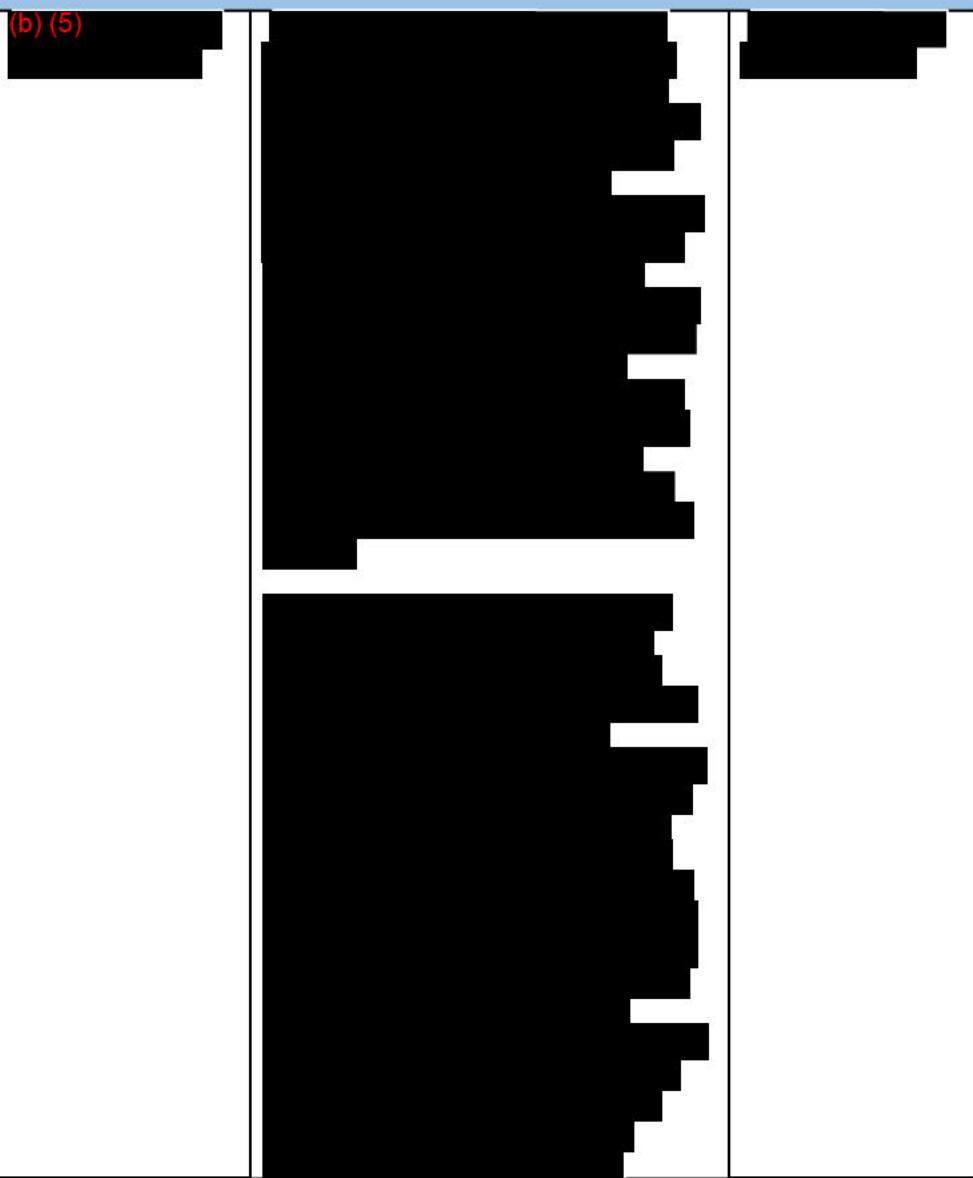
(b) For the purposes of this section, “hazardous substance” means any physical, chemical, biological or radiological substance or matter which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health and “religiously-affiliated community center” means real property used for the provision of recreational, social or educational services that is owned or leased by a nonprofit organization that holds such property out as being affiliated with an organized religion.

(c) Threatening in the first degree is a class D felony, except that a violation of subdivision (4) of subsection (a) of this section is a class C felony.

Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. *See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.*

Class C felony—a term not less than one year nor more than ten years and/or a fine not to exceed \$10,000. *See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.*

(b) (5)



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| | | (b) (5) | |
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| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-62 Threatening in the second degree: Class A misdemeanor or class D felony | | | |
| (a) A person is guilty of threatening in the second degree when: | | | |
| (1) By physical threat, such person intentionally places or attempts to place another person in fear of imminent serious physical injury, | | | |
| (2) | | | |
| (A) such person threatens to commit any crime of violence with the intent to terrorize another person, or | | | |
| (B) such person threatens to commit such crime of violence in reckless disregard of the risk of causing such terror, or | | | |
| (3) violates subdivision (1) or (2) of this subsection and the person threatened is in a building or on the grounds of a | | | |
| (A) house of religious worship, | | | |
| (B) religiously-affiliated community center, | | | |
| (C) public or nonpublic preschool, school or institution of higher education, or | | | |
| (D) day care center, as defined in section 19a-87g, during operational, preschool, school or instructional hours or when a building or the grounds of such house of worship, community center, preschool, school, institution or day care center are being used for the provision of religious or community services, or house of worship, community center, preschool, school, institution or day care center-sponsored activities. | | | |
| (b) For the purposes of this section, “religiously-affiliated community center” has the same meaning as provided in section 53a-61aa. | | | |
| (c) Threatening in the second degree is a class A misdemeanor, except that a violation of subdivision (3) of subsection (a) of this section is a class D felony. | | | |
| Class A misdemeanor—fine not to exceed \$2,000 or imprisonment not to exceed one year. <i>See Conn. Gen. Stat. Ann. § 53a-42.</i> | (b) (5) | | |
| Class D felony—a term not more than five years and/or a fine not to exceed \$5,000. <i>See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</i> | | | |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-63. Reckless endangerment in the first degree: Class A misdemeanor | | | |
| (a) A person is guilty of reckless endangerment in the first degree when, with extreme indifference to human life, he recklessly engages in conduct which creates a risk of serious physical injury to another person. | | | |
| (b) Reckless endangerment in the first degree is a class A misdemeanor. | | | |

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| <p>Class A misdemeanor—fine not to exceed \$2,000 or imprisonment not to exceed one year. <i>See Conn. Gen. Stat. Ann. § 53a-42.</i></p> | <p>(b) (5)</p>    |
|--|---|

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|--|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-64. Reckless endangerment in the second degree: Class B misdemeanor <p>(a) A person is guilty of reckless endangerment in the second degree when he recklessly engages in conduct which creates a risk of physical injury to another person.</p> <p>(b) Reckless endangerment in the second degree is a class B misdemeanor.</p> | | | |
| <p>Class B misdemeanor—fine not to exceed \$1,000 or imprisonment not to exceed six months. <i>Conn. Gen. Stat. Ann. §§ 53a-36.</i></p> | <p>(b) (5)</p>    | | |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|---|---|----------------------------------|-------|
| Conn. Gen. Stat. Ann. § 53a-64aa. Strangulation or suffocation in the first degree: Class C felony <p>(a) A person is guilty of strangulation or suffocation in the first degree when such person commits strangulation or suffocation in the second degree as provided in section 53a-64bb and</p> <ul style="list-style-type: none"> (1) in the commission of such offense, such person <ul style="list-style-type: none"> (A) uses or attempts to use a dangerous instrument, or (B) causes serious physical injury to such other person, or (2) such person has previously been convicted of a violation of this section or section 53a-64bb. <p>(b) No person shall be found guilty of strangulation or suffocation in the first degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, “unlawful restraint” means a violation of section 53a-95 or 53a-96, and “assault” means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a.</p> <p>(c) Strangulation or suffocation in the first degree is a class C felony.</p> | | | |
| <p>Class C felony—a term not less than one year nor more than ten years and/or a fine not to exceed \$10,000. <i>See Conn. Gen. Stat. Ann. §§ 53a-35, 53a-41.</i></p> | <p>(b) (5)</p>    | | |

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| | | | (b) (5) |
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| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|----------------------------------|---------|
| Conn. Gen. Stat. Ann. § 53a-64bb. Strangulation or suffocation in the second degree: Class D felony | | | |
| (a) A person is guilty of strangulation or suffocation in the second degree when such person restrains another person by the neck or throat or obstructs such other person's nose or mouth with the intent to impede the ability of such other person to breathe or restrict blood circulation of such other person and such person impedes the ability of such other person to breathe or restricts blood circulation of such other person. (b) No person shall be found guilty of strangulation or suffocation in the second degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a. (c) Strangulation or suffocation in the second degree is a class D felony. | (b) (5) | (b) (5) | (b) (5) |

| Maximum Sentence | Aggravated Felony? | Crime Involving Moral Turpitude? | Other |
|--|--------------------|----------------------------------|---------|
| Conn. Gen. Stat. Ann. § 53a-64cc. Strangulation or suffocation in the third degree: Class A misdemeanor | | | |
| (a) A person is guilty of strangulation or suffocation in the third degree when such person recklessly restrains another person by the neck or throat or obstructs such other person's nose or mouth and impedes the ability of such other person to breathe or restricts blood circulation of such other person. (b) No person shall be found guilty of strangulation or suffocation in the third degree and unlawful restraint or assault upon the same incident, but such person may be charged and prosecuted for all three offenses upon the same information. For the purposes of this section, "unlawful restraint" means a violation of section 53a-95 or 53a-96, and "assault" means a violation of section 53a-59, 53a-59a, 53a-59b, 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-61 or 53a-61a. (c) Strangulation or suffocation in the third degree is a class A misdemeanor. | (b) (5) | (b) (5) | (b) (5) |

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(b) (5)

CONNECTICUT ASSAULT AND RELATED OFFENSES GENERALLY

- Conn. Gen. Stat. Ann. 53a-59 to 53a-64cc contains the entire regulatory scheme for assault and related offenses in Connecticut.
- Definitions applicable to this section can be found at Conn. Gen. Stat. Ann. § 53a-3. Some relevant definitions for this statutory section include:
 - (3) "Physical injury" means impairment of physical condition or pain;
 - (4) "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ;
 - (5) "Deadly physical force" means physical force which can be reasonably expected to cause death or serious physical injury;
 - (6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206;
 - (7) "Dangerous instrument" means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a "vehicle" as that term is defined in this section and includes a dog that has been commanded to attack, except a dog owned by a law enforcement agency of the state or any political subdivision thereof or of the federal government when such dog is in the performance of its duties under the direct supervision, care and control of an assigned law enforcement officer;
 - (11) A person acts "intentionally" with respect to a result or to conduct described by a statute defining an offense when his conscious objective is to cause such result or to engage in such conduct;
 - (12) A person acts "knowingly" with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists;
 - (13) A person acts "recklessly" with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;
 - (14) A person acts with "criminal negligence" with respect to a result or to a circumstance described by a statute defining an offense when he fails to perceive a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;
 - (15) "Machine gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a submachine gun;
 - (16) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger;
 - (17) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;
 - (18) "Pistol" or "revolver" means any firearm having a barrel less than twelve inches;
 - (19) "Firearm" means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged;
- Current Connecticut jury instructions can be found at <https://www.jud.ct.gov/JI/Criminal/Criminal.pdf>.
 - Instructions for "Assault" can be found at pages 375 to 416.
 - Instructions for "Threatening" can be found at pages 417 to 426.
 - Instructions for "Reckless Endangerment" can be found at pages 427 to 431.

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- Past Connecticut jury instructions can be found at <https://web.archive.org/web/20120901144624/http://www.jud.ct.gov:80/ji/criminal/indexbystatute.htm> through selecting the specific statute and then toggling to the specific year that you are interested in viewing.

MAXIMUM SENTENCING

Unless the sentence is specifically listed in the statute itself, the following guidelines apply:

Juvenile Sentences

- §18-65a. Confinement of young and teenage women
 - Imprisonment not to exceed 5 years for women between the ages of 16 and 21
- §18-73. Confinement of male children and youths
 - Imprisonment not to exceed 5 years for men between the ages of 16 and 21

Connecticut Violations

- **§ 53a-27. Violation: Definition, designation**
 - (a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction.
 - (b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a).
- **§53a-43 Fines for Violations**
 - Not to exceed \$500
 - In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section.

Connecticut Misdemeanors: CONN. GEN. STAT. ANN. §§ 53a-36 Imprisonment for Misdemeanor; 53a-42 Fines for Misdemeanors

- Class A—fine not to exceed \$2,000 or imprisonment not to exceed one year
- Class B—fine not to exceed \$1,000 or imprisonment not to exceed six months
- Class C—fine not to exceed \$500 or imprisonment not to exceed three months
- Class D—fine not to exceed \$250 or imprisonment not to exceed 30 days
- Unclassified—“an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime” or “a term in accordance with the sentence specified in the section of the general statutes that defines or provides for the penalty for the crime”

Connecticut Felonies

- **CONN. GEN. STAT. ANN. § 53a-25 Felony: Definition, classification, designation**
 - An offense where a person is sentenced to a term of imprisonment in excess of one year is a felony
 - Felonies are classified as Class A, Class B, Class C, Class D, Class E, Unclassified, and Capital Felonies
 - Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class E felony if the maximum term of imprisonment specified is in excess of one year but not more than three years; or (2) an unclassified felony if the maximum term of imprisonment is otherwise within the definition set forth in subsection (a) of this section.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed Prior to July 1, 1981**
 - (a) For any felony committed prior to July 1, 1981, the sentence of imprisonment *shall be an indeterminate sentence*, except as provided in subsection (d). When such a sentence is imposed the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d).
 - (b) **The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:**
 - (1) For a class A felony, life imprisonment;
 - (2) for a class B felony, a term not to exceed twenty years;

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- (3) for a class C felony, a term not to exceed ten years;
- (4) for a class D felony, a term not to exceed five years;
- (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and
- (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a.
- (c) Except as provided in subsection (d) the minimum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:
 - (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years;
 - (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59(a)(1), section 53a-59a, 53a-101(a)(1) or 53a-134(a)(2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60c, the minimum term shall be not less than three years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60b, the minimum term shall be not less than two years and such sentence shall not be suspended or reduced;
 - (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.
- (d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed on or After July 1, 1981**
 - For any felony committed on or after July 1, 1981, the sentence of imprisonment *shall be a definite sentence* and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:
 - (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;
 - (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
 - (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;
 - (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
 - (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;
 - (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;
 - (7) For a class C felony, a term not less than one year nor more than ten years;
 - (8) For a class D felony, a term not more than five years;
 - (9) For a class E felony, a term not more than three years; and
 - (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.
- **CONN. GEN. STAT. ANN. § 53a-41 Fines for Felonies**
 - A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows:
 - (1) For a class A felony, an amount not to exceed twenty thousand dollars;
 - (2) for a class B felony, an amount not to exceed fifteen thousand dollars;
 - (3) for a class C felony, an amount not to exceed ten thousand dollars;
 - (4) for a class D felony, an amount not to exceed five thousand dollars;
 - (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and

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- (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

RELEVANT GENERIC OFFENSES

“CRIME INVOLVING MORAL TURPITUDE (CIMT)”

- The Second Circuit has adopted the BIA’s definition of a CIMT, as conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons, or the duties owed to society in general. *See Mendez v. Mukasey*, 547 F.3d 345, 347 (2d Cir. 2008).

“AGGRAVATED FELONY CRIME OF VIOLENCE” (“COV”) INA §§ 237(a)(2)(A)(iii), 101(a)(43)(F)

- Includes any COV as defined in 18 U.S.C. § 16 (not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension) is at least one year. Section 16 defines a COV in two parts, § 16(a) and § 16(b). Section 16(a) “any offense that has as an element the use of attempted use or threatened use of physical force against the person or property of another.” In April 2018, the Supreme Court ruled that § 16(b) as incorporated by INA § 101(a)(43)(F) is unconstitutionally vague. *See Sessions v. Dimaya*, No. 15-1498, ---S. Ct. ---, (April 17, 2018).
- “Under the plain language of § 16(a), one of the elements of a [COV] must be ‘the use, attempted use, or threatened use of physical force against the person or property of another.’” *Blake v. Gonzales*, 481 F.3d 152, 156 (2d Cir. 2007) quoting 18 U.S.C. §16(a) and *Chrzanowski v. Ashcroft*, 327 F.3d 188, 191 & n. 6 (2d Cir. 2003).

“DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE” INA § 237(a)(2)(E)(i)

- A crime is a crime of domestic violence if it (1) is a COV as defined by 18 U.S.C. § 16 and (2) the victim was a “protected person” within the meaning of 8 U.S.C. § 1227(a)(2)(E)(i). *See U.S. v. Castleman*, 134 S.Ct. 1405, n.4 (2014).
- “Any alien who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For the purposes of this clause, the term ‘crime of domestic violence’ means any crime of violence (as defined in section 18 of title 18 of the United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States...”

“CERTAIN FIREARMS OFFENSES” INA § 237(a)(2)(C)

- “Any alien who at any time after admission is convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 912(a) of title 18, United States Code) in violation of any law is deportable.”

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